

REMARKS/ARGUMENTS

In response to the Office Action dated May 14, 2003, claim 1 is amended and claims 14, 15, 24, 27 and 28 are canceled. Claims 1-13, 16-23, 25, 26 and 29 are now active in this application. No new matter has been added.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

Claims 14 and 15 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Examiner contends that the limitations recited in claims 14 and 15 are not described in the specification.

To expedite prosecution, claims 14 and 15 are canceled.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 7-9, 24, 27 and 28 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

The rejection as to canceled claims 24, 27 and 28 is moot.

To expedite prosecution, claim 7 is amended to depend from claim 2, which already recites "a peak". Therefore, it is respectfully urged that the rejection of claims 7-9 under 35 U.S.C. § 112, second paragraph, be withdrawn.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102 AND § 103

Claims 1, 5, 10-14, 16-21, 23-25 and 27-29 are rejected under 35 U.S.C. § 102(b) as being anticipated by Druitt (WO 9903746).

Claims 2-4 and 7-9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Druitt in view of Tansey (USPN 5,782,369). Tansey is relied upon as disclosing (in Fig. 5) a protrusion 17 comprising annular ridge having a substantially triangular cross-section which is extending outwardly to a peak.

Claims 6 and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Druitt. The Examiner admits that Druitt does not disclose the annular protrusion disposed closer to the first portion than the free edge of the second portion, but the Examiner contends this would have been an obvious matter of design choice to dispose the annular protrusion of Druitt closer to the first portion in order to provide an extending seal of the closure over the container.

Claim 22 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Druitt in view of Blake et al. (USPN 5,676,269). Blake et al. is relied upon as disclosing (in Fig. 11) a closure having the upper side of the section portion 34 of a sealing rib 32 having an annular ridge, as recited in this claim.

Applicants do not believe that the applied prior art reference disclose or suggest a sealing rib having an additional annular portion formed on the underside of the second portion of the sealing rib and which is adapted to engage with an outer surface of the end portion of the container at a location that is distal the free end of the container.

To expedite prosecution, claim 1 is amended to more clearly delineate the subject matter of the present invention.

In amended claim 1, the annular protrusion is defined as being spaced outwardly from the circular edge of the second portion of the sealing rib, with the spacing being such that during attachment of the closure with the container, the annular protrusion forms a seal with the outer surface of the container at a location more distal the free end of the container than the seal that is made with the outer surface by the remainder of the sealing rib between the circular edge and the location of the annular protrusion. This distinguishes the construction of the seal rib of the present invention from the seal arrangements of the applied prior art references, which instead, are adapted to ultimately end up positioned between the free end of the container and the underside of the top portion of the closure.

Thus amended independent claim 1, and claims depending from amended independent claim 1, are patentable over Druitt, Tansey and Blake et al., and their allowance is respectfully solicited.

OBJECTION TO CLAIMS

Claims 1, 4, 6, 11, 14 and 22 are objected to for containing minor informalities. By this response, amendments are made to these claims to address the noted objections.

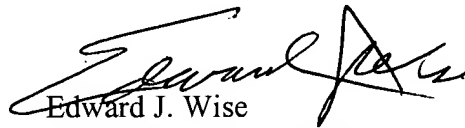
CONCLUSION

Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: October 7, 2003